

Under the provisions of Section 413.031 of the Texas Workers' Compensation Act, Title 5, Subtitle A of the Texas Labor Code, effective June 17, 2001 and Commission Rule 133.305, titled Medical Dispute Resolution-General, and 133.307, titled Medical Dispute Resolution of a Medical Fee Dispute, a review was conducted by the Medical Review Division regarding a medical fee dispute between the requestor and the respondent named above.

I. DISPUTE

1. a. Whether there should be reimbursement for date of service 9-7-01.
- b. The request was received on 7-8-02.

II. EXHIBITS

1. Requestor, Exhibit I:
 - a. TWCC 60 and Letter Requesting Dispute Resolution
 - b. TWCC 66a
 - c. EOBs
 - d. Price Alert 8-15-01, Pg. 13
 - e. Any additional documentation submitted was considered, but has not been summarized because the documentation would not have affected the decision outcome.
2. Respondent, Exhibit II:
 - a. Response to a Request for Dispute Resolution
 - b. TWCC 66a
 - c. EOBs
 - d. Price Alert 8-15-01, Pg. 13
 - e. Any additional documentation submitted was considered, but has not been summarized because the documentation would not have affected the decision outcome.
3. Per Rule 133.307 (g) (3), the Division forwarded a copy of the requestor's 14 day response to the insurance carrier on 8-2-02. Per Rule 133.307 (g) (4) or (5), the carrier representative signed for the copy on 8-5-02. The response from the insurance carrier was received in the Division on 8-20-02. Based on 133.307 (i) the insurance carrier's response is timely.
4. Notice of Letter Requesting Additional Information is reflected as Exhibit III of the Commission's case file.

III. PARTIES' POSITIONS

1. Requestor: Letter dated 7-25-02:

"We have submitted a claim to the Carrier for date of service 09-07-01 for the medication Celebrex 200 mg #30 in the amount of \$87.06...the following formula shall be utilized for brand name medications. $AWP \times \text{number of units} \times 1.09 + \$4.00 = \text{MAR}$. In this

case the patient received 30 pills the AWP is $251.69 \times .30 = 75.51 \times 1.09 = 82.31 + \$4.00 = \$86.31$."

2. Respondent: Letter dated 8-20-02:
 "...Respondent prays the Medical Review Division decline to order reimbursement for the services made the basis of this dispute."

IV. FINDINGS

1. Based on Commission Rule 133.307(d) (1) (2), the only date of service eligible for review is 7-25-02.
2. The Carrier has denied the dispute service as reflected on the EOB as, "F1 –Reduction According to Fee Guideline. Charge exceeds the scheduled maximum allowance per the Medical Fee Guideline"; "O Upon review of your request for a reconsideration, no additional benefits is recommended at this time".
3. The following table identifies the disputed services and Medical Review Division's rationale:

DOS	CPT or Revenue CODE	BILLED	PAID	EOB Denial Code(s)	MARS	REFERENCE	RATIONALE:
9-7-01	Celebrex 200 mg #30	\$87.06	\$-0-	F1, O	No MAR	MFG: Pharmaceutical Fee Guideline	<p>The Carrier has denied the disputed service as "F1 and O".</p> <p>There is no set MAR value for Celebrex reflected in the Medical Fee Guideline. Fee computation for brand name pharmaceuticals utilizes the following formula (AWP)/unit x number units x 1.09 = \$4.00 = MAR. The AWP is determined utilizing Price Alert that is in effect on the date of service.</p> <p>Based on the Price Alert, the provider has billed the correct amount. The billed amount is in accordance with the billing requirements as reflected above.</p> <p>Therefore, reimbursement is recommended in the amount of \$86.31.</p>
Totals		\$87.06	\$-0-				<p>The Requestor is entitled to reimbursement in the amount of \$86.31. The Commission cannot order more than listed in the "Amount in Dispute" section of the Table of Disputed Services.</p>

V. ORDER

Pursuant to Sections 402.042, 413.016, 413.031, and 413.019 the Medical Review Division hereby ORDERS the Respondent to remit **\$86.31** plus all accrued interest due at the time of payment to the Requestor within 20 days receipt of this order.

This Order is hereby issued this 4th day of December 2002.

Lesa Lenart
Medical Dispute Resolution Officer
Medical Review Division
LL/ll